

**HUMAN RESOURCES POLICY**  
**Fauquier County, Virginia**

---

**Policy Title: Code of Conduct**  
**Section No: 3**

**Date: 10/13/2011**  
**Supersedes Policy: 9/1/1986**

---

**I. PURPOSE**

It is the objective of the Board of Supervisors to promote the well-being of its employees in the workplace and to maintain high standards of professional conduct and work performance. Accordingly, this policy sets forth the standards for professional conduct, the behavior that is unacceptable, and the actions that departments may impose to address behavior and employment problems.

**II. SCOPE**

This policy applies to all Fauquier County Government employees.

**III. DEFINITIONS**

Administrative Leave

Paid leave which is authorized by a Department Head/Constitutional Officer in order to conduct an investigation of an alleged improper act by an employee which may result in formal disciplinary action. (as illustrated in Human Resources Policy 2-A, *Administrative Leave*)

Demotion

Assignment of an employee from one position to another position in a lower salary grade as a result of a disciplinary action for an employee's unsatisfactory performance and/or unacceptable conduct.

Disciplinary Action

An action against an employee which is based upon, and is designed to discipline an employee for his/her unsatisfactory performance and/or unacceptable conduct.

Oral Reprimand

Oral notification to an employee by a supervisor of performance or conduct which is not satisfactory or appropriate.

Supervisor

County Administrator, Department Head/Constitutional Officer or their designees who

have the authority for providing instructions and/or orders to subordinates and are responsible for the work and actions of other employees.

#### Suspension

Disciplinary removal of an employee from their position without pay for a specified period of time.

#### Termination

Disciplinary Separation of an employee from employment with Fauquier County Government.

#### Written Reprimand

Disciplinary action involving a formal notification issued, in writing to an employee by a supervisor, of performance or conduct which is not satisfactory or appropriate.

### IV. **EMPLOYMENT AT WILL**

All County employees are employees-at-will under Virginia law. During an employee's probationary period, no grievance rights are extended.

### V. **GENERAL POLICY**

- A. It is the policy of the County to act with integrity and justice toward all employees recognizing their individuality as human beings and their right to fair, decent, and understanding supervision. Employees are required to: (1) act with integrity and justice towards their fellow employees and the public recognizing their individuality as human beings and their right to fair, decent and understanding treatment; and (2 ) are required to comply with all instructions, orders, established policies, procedures, rules and regulations, both County and the employee's department .
- B. The County Administrator and Department Heads/Constitutional Officers (or their designees) are responsible for seeing that each employee assigned does his or her job properly and in accordance with work regulations. They are also responsible for the employee's personal conduct on the job. In order to give them authority in line with their responsibilities, the County Administrator, Department Heads/Constitutional Officers (or their designees) shall carry out all disciplinary actions. For the purposes of this policy, the County Administrator has non-exclusively designated the Deputy County Administrator and the Assistant to the County Administrator with all duties and responsibilities of the County Administrator under this policy.
- C. Whenever the performance, attitude, work habits, or personal conduct on the job of any employee at any time falls below a desirable level, the County

Administrator or Department Heads/Constitutional Officers (or their designees) have the ability to discipline the employee, as described in this policy. The County Administrator or Department Head/Constitutional Officer shall inform the employee promptly and specifically of such lapses and give counsel, assistance and discipline as warranted. If the County Administrator or Department Head/Constitutional Officer deems it appropriate and justified, a reasonable period of time for improvement by the employee may be allowed before initiation of disciplinary action.

## **VI. CONDUCT**

Each employee is responsible for promoting an image of professionalism and integrity at all times. The requirements set forth in this section are intended to guide and assist employees and supervisors in understanding the County's expectations. This policy cannot and does not identify every type of acceptable and unacceptable conduct and performance standard. Therefore, employees should be aware that areas of conduct not specifically listed in this policy but which adversely affects or is otherwise detrimental to the work or interest of the County, other employees or the public may result in disciplinary action, up to and including termination of employment.

Each employee shall:

### **A. Performance**

1. Provide the highest level of customer service possible.
2. Notify Department head or designee of any conditions or circumstances and/or unclear instructions or procedures that prevent satisfactory work performance.
3. Be efficient and competent in work duties.
4. Perform assignments as designated by a department head, supervisor or their designee, which is legal.
5. Report to work on-time and serve for the appropriate time scheduled.
6. Avoid tardiness, being absent without authorized leave, and excessive absenteeism which disrupts or diminishes operational effectiveness.
7. Practice appropriate use of the County's equipment and associated items, including, but not limited to, telephones, cell phones, personal data devices, computers, internet, email, vehicles, general office equipment, and any other item paid for or issued to an employee for the purpose of conducting County business.

- 
8. Maintain the confidentiality of records and/or requests of the public for services.
    - a. Employees shall not discuss records maintained or services rendered by the County and its employees with individuals, groups, or organizations within or outside the County department structure, except where permitted by law.
    - b. Employees who work with confidential information during County employment shall honor such confidentiality even after separation from employment.
    - c. If there is any question as to whether or not the information should be released, the inquirer shall be referred to the appropriate Department Head/Constitutional Officer or other County official.
  9. Except as provided below not drink alcoholic beverages, or possess or keep open containers of alcohol, on County premises. Employees shall not come onto County premises, or transact official County business, while under the influence of alcohol. Employees shall be permitted possession of un-opened containers of alcohol while on County property as long as the containers are not openly displayed and are not consumed on the County property. Employees attending conferences, retreats, seminars and similar activities at which alcohol is served may drink alcoholic beverages only during non-business hours or during the social activities of the conference and shall not consume alcohol prior to or during any portion of the conference where educational activities are conducted.
  10. Not possess and/or use illegal drugs on County premises or while on County business. Employees shall not bring illegal drugs into County buildings or on County grounds or to come onto County premises while under the influence of illegal drugs. Where an employee holds a valid prescription to use medication, the employee shall use the medication in strict conformance with the directions provided with the prescription. Where use of a prescribed medication may result in an unsafe condition or risk of injury to the employee, other employees or the general public, the employee shall notify his supervisor of all warnings associated with the medication.

B. Behavior

1. Treat individuals, including subordinates, fellow employees and management alike, and those whom they serve, with respect, courtesy, and tact regardless of age, race, color, religion, sex, national origin, marital status, pregnancy, childbirth or other medical conditions, certain veteran status, or retaliation for a claim under any of the above.

2. Promote safe operations and comply with all appropriate safety and health regulations. Report hazards, accidents, injuries and/or auto/equipment damage to Department Head/Constitutional Officer (or designee) and the Human Resources Department for processing.
3. Not engage in political activities during working hours or when officially representing the County, except where such activities are as a part of the employee's assigned duties in representation of the County before a federal, state, or local agency.
4. Refrain from the use of obscene, offensive, abusive, threatening, or violent language or actions toward other employees, supervisors, or members of the public. This includes but is not limited to physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, or threatening/talking of engaging in those or similar activities.
5. While working whether on County property or while otherwise transacting County business either from home or elsewhere refrain from inappropriate use of the computer system, internet, telephone, county cellular phone, iPad or other mobile device including but not limited to, transmitting, sending, receiving, viewing, listening, speaking or downloading any material that can be considered obscene, profane, threatening, pornographic, illegal, or generally inappropriate for the workplace.
6. Cooperate with and participate in administrative investigations involving themselves and others.
7. Not provide or attempt to provide falsified information, either oral or written, or assist others in the falsification of information.
8. Dress in appropriate attire, uniform, identification, and safety equipment as specified by the County, department, and position; keeping in mind that during the work hours, employees are expected at all times to present a professional, businesslike image to visitors, prospects, and the public.
9. A violation of any State or Federal law including but not limited to, the Civil Rights Act, Americans with Disabilities Act, Age Discrimination in Employment Act, or Genetic Information Nondiscrimination Act.

C. Compliance

1. Comply with all Fauquier County Government and Departmental policies, rules, and regulations.
2. Comply with the proper order of a Department Head, supervisor, or their designees.

3. Comply with the Virginia State and Local Government Conflict of Interest Act. An employee with questions concerning the interpretation or the application of the Act may contact the Commonwealth's Attorney's Office, or the employee may request, an opinion from the County Attorney.

D. Gifts/Gratuities

1. Not solicit or accepts gifts or gratuities from any person or firm that may be construed to affect official county business. Gifts and gratuities include, but are not limited to, money, loans, gifts, favors, or services.
2. Not while seeking employment or promotion to a County position or appointed office directly or indirectly give any money, service or other item to any person in connection with their employment or proposed appointment.
3. Not be prohibited from accepting occasional social courtesies of diminimus value which promote good public relations for the County, nor are employees prohibited from accepting gifts of food of diminimus value which can be shared by all employees or those within a given work area. An employee with questions concerning the whether a gift is of "diminimus value" may contact the County Attorney's Office to request an opinion as to whether the gift may be accepted.

- E. Employees may not engage in any other performance or conduct which adversely affects or is otherwise detrimental to the work or interests of the County, other employees, or the public.

**VII. DISCIPLINARY ACTIONS**

The disciplinary actions listed below are to be administered by the Department Head/Constitutional Officer (or designee). While a progression of discipline should be followed, in some instances, a specific incident or the accumulation of multiple minor incidents may warrant severe disciplinary action.

As previously stated in section V.C of this policy, the County Administrator or Department Head/Constitutional Officer (or designee) shall inform the employee promptly and specifically of lapses in work performance or conduct and give counsel and assistance. If an investigation is justified prior to making a decision to discipline the County Administrator or Department Head/Constitutional Officer may, but shall not be required, to place the employee on paid administrative leave until the investigation and disciplinary action is taken or the employee is reinstated with no action. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiation of disciplinary action.

---

In choosing the appropriate disciplinary action, the Department Head/Constitutional Officer or designee should consider all information and circumstances available to him/her including, but not limited to, the seriousness of the offense, past performance, an employee's ability and willingness to correct the offense, disciplinary actions taken for other offenses of that employee, the potential liability to the County, overall effect the offense may have on the organization and any mitigating factors.

A. Oral Reprimand

When a supervisor deems that an informal oral reprimand or warning is appropriate, he/she will advise the employee, in private, of the specific infraction, the date it occurred, and provide the employee with an opportunity for rebuttal. The supervisor will weigh all the information presented and, if warranted, proceed with the informal oral reprimand or warning.

Supervisors are required to maintain an informal record of the discussions with employees with the employee's knowledge of such a record.

B. Written Reprimand

When a supervisor determines that an offense is of such a nature that a record should be placed in an employee's personnel file maintained with the Human Resources Department, a letter of reprimand will be prepared. The letter will contain:

1. a statement detailing the violation or conduct; written in such a way to enable the employee to understand fully the violation or conduct for which he/she is being disciplined;
2. a statement that it is an official letter of reprimand that will be placed in the employee's official personnel file;
3. a list of previous offenses in those cases where the letter is considered a continuation of progressive discipline; and
4. a statement that similar occurrences could result in more severe disciplinary action, up to and including termination.

The supervisor will confer with Department Head/Constitutional Officer and, if desired, consult with the Human Resources Director (or designee); then meet with the employee, in a private location, to review the letter of reprimand.

C. Suspension without pay

When a supervisor determines that an offense requires a more severe disciplinary action than a written reprimand, the supervisor will:

1. If justified, investigate the alleged offense promptly; obtaining all pertinent facts in the case including but not limited to, time, place, events, circumstances, and make contact with all persons, including the employee, involved or having knowledge of the incident (employee maybe placed on paid administrative leave, if deemed appropriate during this time);
2. Discuss the case including the length of suspension with higher levels of supervision and consult with the Human Resources Director (or designee);
3. Prepare and submit a letter to higher levels of supervision and Human Resources for review and approval. Letter should include previous offenses in those cases where the letter is considered a continuation of progressive discipline and a statement that similar occurrences could result more severe disciplinary action, up to and including termination; and
4. Meet with the employee, along with the Human Resources Director (or designee), to review the letter of suspension and allow the employee to explain why the disciplinary action should not be imposed.

D. Termination

The termination of an employee shall constitute the most severe type of disciplinary action. This action should only be taken when the Department Head/Constitutional Officer has determined that an employee is unsuited for employment within their department. This determination should follow the steps listed below.

1. If justified, the County Administrator or Department Head/Constitutional Officer shall, in cooperation with the Human Resources Director (or designee), investigate the alleged employee offence promptly; obtain all pertinent facts in the case including but not limited to, time, place, events, circumstances, and make contact with persons, including the employee, involved or having knowledge of the incident (employee may be placed on paid administrative leave, if deemed appropriate during this time);
2. Department Head/Constitutional Officer shall review the investigation with appropriate supervisor and consult with the Human Resources Director (or designee);
3. Department Head/Constitutional Officer (or designee) shall prepare and submit a letter to Human Resources for review and approval. Letter should include previous offenses in those cases where the letter is considered a continuation of progressive discipline; and
4. Department Head/Constitutional Officer shall, along with Human Resources Director (or designee), meet with the employee along with the supervisor (if different), , to review the letter.



E. Additional Actions

The following actions may be implemented by the Department Head/Constitutional Officer at any point when they deem it necessary or advisable during the implementation of this policy.

1. Administrative leave

This leave may be used during an investigation when it is necessary to determine the validity of allegations against an employee for unacceptable job performance or conduct.

If this action is exercised, written notice shall be given to the affected employee stating the grounds for the investigation, the date the administrative leave is to begin and, if possible, the anticipated date the investigation is to be concluded.

After the investigation is concluded, the employee should be notified of the results and given written notice of return to work or disciplinary action to be taken.

2. Performance Improvement Plan (PIP)

This plan may be used to provide an employee the opportunity to bring their job performance or conduct to the minimum standards required by this policy or any County or Departmental policy, rule, regulation, or standard.

If this action is taken, written notice shall be given to the affected employee and should include identification of performance or conduct elements deemed unacceptable, what is needed to bring performance or conduct up to a minimally successful level, what assistance will be provided, and the consequences of failing to improve during the PIP period. Duration of the PIP may vary, but the normal duration should be between 30 and 90 days.

Supervisor should be sure to document the employee's progress and to provide any appropriate assistance.

At the conclusion of the PIP, a written determination of performance or conduct is required and should state if each performance element's minimums were met and, if appropriate, any additional disciplinary action is to be taken.

An employee may be disciplined during a PIP if the situation warrants.

3. Demotion

As a disciplinary action for situations in which an employee is unable to perform the presently assigned duties but the employee is able to perform lower paid related duties within the same department or Constitutional Office. The department must have either a vacant position or request reclassification of the current position for placement of the employee.

If this action is taken, written notice shall be sent to the affected employee stating the grounds for the action, the nature of the reduction, a new job description and expectations, new pay information, and, if appropriate, steps the employee would need to take to be eligible for placement into original position.

The pay rate may be reduced between the minimum and midpoint of the new range.

4. Reduction in Pay

As a disciplinary action, an employee's pay may be reduced within the current pay grade. If this action is taken, written notice shall be sent to the affected employee stating the grounds for the action, the nature of the reduction and, if appropriate, an estimated date when they may expect their pay to be reinstated.

## VIII. LOUDERMILL HEARING PROCESS

The Loudermill hearing process gives an employee (non-probationary) the opportunity to discuss the situation with their supervisor before any disciplinary action takes place.

- A. No disciplinary action which includes a suspension for more than three days, demotion, reduction in pay, or termination may be instituted against a non-probationary employee without at least providing the employee an opportunity for a discussion between the employee and the Department Head/Constitutional Officer (or designee).
- B. If, after deliberation, the County Administrator or Department Head/Constitutional Officer takes disciplinary action against the employee, the employee may consult Human Resources Policy 41, *Grievance Procedure*, to determine their rights for appeal.
- C. The process shall include the following steps:
  - 1. Advise the employee of the rule or regulation which he is alleged to have violated;
  - 2. Advise the employee of the evidence and witnesses concerning such violations;

3. Give the employee an opportunity, if he/she so desires, to respond to the charges against him/her and to give his/her own version;
4. Advise the employee of what disciplinary action, if any will be taken.

#### **IX. OTHER CIRCUMSTANCES**

An employee unable to perform the essential functions of the position in which he or she is assigned may be removed, or terminated from employment, under this section.

Reasons include, but are not limited to:

- A. Loss or suspension of or to limitations to a driver's license, if required for the position held;
- B. Loss of license or certification required for the position held;
- C. Inability to perform the physical requirements of the essential functions of the position held, even with all reasonable accommodations;
- D. Incarceration for more than a minimal period of time;
- E. Criminal convictions and/or conduct occurring on or off the job that are related to job performance.

#### **X. RETALIATION OR REPRISALS**

No employee shall take reprisal, retaliate or encourage others to engage in retaliation or reprisal against any person acting in good faith who:

- A. Opposes any conduct prohibited by this policy;
- B. Complies or encourages others to comply with this policy;
- C. Files a complaint concerning any violation of this policy;
- D. Testifies, assists or participates in any investigation or hearing resulting from a complaint under this policy; or
- E. Exercises or attempts to exercise any right conferred under this policy.

Employees who engage in these actions will be subject to disciplinary action up to and including termination.

#### **XI. RECORDS RETENTION**

Copies of all disciplinary actions related to section VII, subsections B through E are to be sent to the Human Resources Director for placement into the employee's personnel file.